

to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in division F, insert the following:

SEC. _____. REGULATION OF POLE ATTACHMENTS.

Section 224 of the Communications Act of 1934 (47 U.S.C. 224) is amended—

(1) in subsection (a), by adding at the end the following:

“(6) The term ‘broadband service’ has the meaning given the term ‘broadband internet access service’ in section 8.1 of title 47, Code of Federal Regulations, or any successor regulation.”;

(2) in subsection (b), by adding at the end the following:

“(3) Not later than 180 days after the date of enactment of this paragraph, the Commission shall prescribe regulations that—

“(A) include an expedited complaint and dispute resolution process to resolve, in not more than 90 days, disagreements involving access to poles for purposes of providing broadband service, including pole replacements and the terms, conditions, and charges for pole replacements;

“(B) provide that the pendency of an appeal from any decision in favor of an attaching entity shall not prevent the attaching entity from proceeding with any disputed attachment; and

“(C) provide that the regulations prescribed under this paragraph take precedence, when in conflict, over any agreement between a utility and an attaching entity entered into before the date on which the regulations are prescribed.

“(4) Not later than 180 days after the date of enactment of this paragraph, the Commission shall prescribe regulations to govern the charges for any pole attachments used by any entity, in whole or in part, to provide broadband service that—

“(A) ensure that a charge for the replacement of a pole shall not be considered just and reasonable unless—

“(i) the responsibility of the attaching entity is limited to compensating the utility for—

“(I) the remaining accounting value of the pole being replaced;

“(II) any incremental costs from increasing the capacity of the pole; and

“(III) any costs of advancing the replacement of the pole by its remaining service life, as measured by the difference between the age of the pole and the utility’s average service life for a pole; and

“(ii) any recovery by the utility of its share of such costs through recurring rates excludes amounts recovered through non-recurring charges to attaching entities permitted under this subsection, including under clause (i), and through depreciation; and

“(B) ensure that terms and conditions for pole attachments—

“(i) require all work to facilitate replacement of a pole under subsection (f)(2)(B) to be completed by the utility or its designee not later than 90 days after the receipt by the utility, from the attaching entity, of a complete application and payment consistent with regulations implemented under paragraph (3) of this subsection, unless the Commission finds that unforeseeable exigent circumstances prevent completion of complex make-ready projects within that period, in which case the work shall be completed not later than 120 days after the receipt of the complete application and payment;

“(ii) require a utility to designate contractors qualified and authorized to safely per-

form replacement of a pole under subsection (f)(2)(B) if the utility is unable to comply with the deadline under clause (i) of this subparagraph;

“(iii) prohibit a utility from unreasonably withholding consent to designate, in accordance with clause (ii), contractors proposed by the attaching entity that are qualified and authorized to safely perform replacement of a pole under subsection (f)(2)(B); and

“(iv) provide that an attaching entity may—

“(I) engage and direct contractors that are qualified and authorized to safely perform replacement of a pole under subsection (f)(2)(B) designated by the utility to complete any make-ready work if the utility is unable to complete the work by the deadline under clause (i) of this subparagraph; and

“(II) recover from the utility any costs related to work completed under subclause (I) for which the utility is responsible.”; and

(3) in subsection (f), by striking paragraph (2) and inserting the following:

“(2)(A) Notwithstanding paragraph (1), and subject to subparagraph (B) of this paragraph, a utility providing electric service may deny a cable television system or any telecommunications carrier access to its poles, ducts, conduits, or rights-of-way, on a non-discriminatory basis for reasons of reasons of safety, reliability, and generally applicable engineering purposes.

“(B) If a utility denies access to a cable television system or telecommunications carrier under subparagraph (A), upon the request of the cable television system or telecommunications carrier, the utility shall on a nondiscriminatory basis expand the capacity of, or replace, any pole, duct, conduit, or right-of-way owned or controlled by the utility to enable the requesting entity to provide broadband service if the requesting entity agrees to pay a proportionate share of the costs of the expansion or replacement in accordance with the regulations prescribed by the Commission under subsection (b)(4).”.

SA 2601. Ms. DUCKWORTH (for herself and Ms. LUMMIS) submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title III of division B, insert the following:

SEC. 230. UNIVERSAL ELECTRONIC VEHICLE IDENTIFIER.

Not later than 4 years after the date of enactment of this Act, the Secretary shall issue a final regulation that requires a commercial motor vehicle manufactured after the effective date of such regulation to be equipped with a universal electronic vehicle identifier that provides a single point of data, such as the Vehicle Identification Number, that—

(1) identifies the vehicle for compliance, inspection, or enforcement purposes;

(2) does not transmit personally identifiable information regarding operators; and

(3) does not create an undue cost burden for operators and carriers.

SA 2602. Mr. CORNYN (for himself, Mr. PADILLA, Mr. LUJÁN, Ms. HASSAN, Ms. BALDWIN, Mr. WICKER, Mr. KELLY,

Ms. CORTEZ MASTO, Ms. LUMMIS, Mrs. MURRAY, Mr. TILLIS, Mr. CASEY, Ms. CANTWELL, Mr. KENNEDY, and Mr. YOUNG) submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in division I, insert the following:

SEC. _____. AUTHORITY TO USE CORONAVIRUS RELIEF FUNDS FOR INFRASTRUCTURE PROJECTS.

(a) IN GENERAL.—Title VI of the Social Security Act (42 U.S.C. 801 et seq.) is amended—

(1) in section 602—

(A) in subsection (a)(1), by inserting “(except as provided in subsection (c)(4))” after “December 31, 2024”; and

(B) in subsection (c)—

(i) in paragraph (1), in the matter preceding subparagraph (A), by striking “paragraph (3)” and inserting “paragraphs (3) and (4)”; and

(ii) by adding at the end the following new paragraph:

“(4) AUTHORITY TO USE FUNDS FOR CERTAIN INFRASTRUCTURE PROJECTS.—

“(A) IN GENERAL.—Subject to subparagraph (C), notwithstanding any other provision of law, a State, territory, or Tribal government receiving a payment under this section may use funds provided under such payment for projects described in subparagraph (B), including—

“(i) in the case of a project receiving a grant under section 117 of title 23, United States Code, or section 5309 or 6701 of title 49, United States Code, to satisfy a non-Federal share requirement applicable to such a project; and

“(ii) in the case of a project receiving credit assistance under the TIFIA program under chapter 6 of title 23, United States Code—

“(I) to satisfy a non-Federal share requirement applicable to such a project; and

“(II) to repay a loan provided under such program.

“(B) PROJECTS DESCRIBED.—A project referred to in subparagraph (A) is any of the following:

“(i) A project that receives a grant under section 117 of title 23, United States Code.

“(ii) A project eligible under section 119 of title 23, United States Code.

“(iii) A project eligible under section 124 of title 23, United States Code, as added by the Infrastructure Investment and Jobs Act.

“(iv) A project eligible under section 133 of title 23, United States Code.

“(v) An activity to carry out section 134 of title 23, United States Code.

“(vi) A project eligible under section 148 of title 23, United States Code.

“(vii) A project eligible under section 149 of title 23, United States Code.

“(viii) A project eligible under section 151 of title 23, United States Code, as added by the Infrastructure Investment and Jobs Act.

“(ix) A project eligible under section 165 of title 23, United States Code.

“(x) A project eligible under section 167 of title 23, United States Code.

“(xi) A project eligible under section 173 of title 23, United States Code, as added by the Infrastructure Investment and Jobs Act.